

PROVIDING REASONABLE ACCOMMODATIONS FOR EMPLOYEES AND APPLICANTS WITH DISABILITIES

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy for providing reasonable accommodations for employees and applicants with disabilities.

II. Scope

- A. This Directive applies throughout DHS to all civilian employees.
- B. This Directive is subject to collective bargaining obligation as required by law before implementation.

III. Authorities

- A. The Rehabilitation Act of 1973, Pub. L. 93-112, 29 USC 701 *et seq.*
- B. The Americans with Disabilities Act Amendments Act of 2008 (effective January 1, 2009).
- C. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.

IV. Responsibilities

- A. The **Director, Equal Employment Opportunity and Diversity Programs, Office for Civil Rights and Civil Liberties** reviews and approves procedures for processing requests for reasonable accommodations implemented by all DHS Operational and Support Components, and provides technical assistance with regard to the reasonable accommodation process.

B. The **DHS Chief Human Capital Officer** implements the policies in this Directive and provides leadership to Component Human Resources officers to assist managers and supervisors in carrying out procedures in accordance with this directive. DHS CHCO also establishes guidance for department-wide searches for reassignment as a last resort.

C. The **Heads of the DHS Components** develop standard operating procedures that are in compliance with this Directive for their respective Component.

V. Policy and Requirements

A. It is the policy of DHS, as a model employer, to provide equal employment opportunities under applicable law to all employees and applicants, including qualified individuals with disabilities. In general, a reasonable accommodation is any change or modification in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.

B. DHS is committed to providing reasonable accommodations for (i) applicants with disabilities during the hiring and application process; (ii) qualified employees with disabilities to perform the essential functions of their jobs; and (iii) qualified employees with disabilities to enjoy equal benefits and privileges of employment.

C. Any applicant or employee who believes that he or she requires a reasonable accommodation because of a disability may request an accommodation pursuant to procedures to be established by the Component. The Operational Components, the Federal Law Enforcement Training Center (FLETC), and the Office of Inspector General (OIG) develop procedures for processing requests for reasonable accommodations for their respective employees. These procedures include the establishment of a process for tracking requests for accommodations and Component responses, to be reported annually to CRCL. CRCL reviews and approves processes and procedures implemented pursuant to this directive. In addition, CRCL develops procedures for processing requests for reasonable accommodations for Support Components (except FLETC and OIG). CRCL coordinates with Components to ensure appropriate training is provided to supervisors and managers to implement this policy.

D. DHS will deny an applicant or qualified employee with a disability a reasonable accommodation only if the accommodation would require altering the essential functions of the job, would be a direct threat to the individual him/herself or to others, or would pose an undue hardship because DHS would incur

significant difficulty or expense, under the circumstances. DHS will assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

E. This directive and associated procedures are posted in a conspicuous place on the DHS intranet or, for employees who do not have access to the intranet, in a physical location accessible by those employees (does not apply to employees physically located outside DHS spaces). Each Component takes appropriate measures to publicize its reasonable accommodation procedures, and trains its supervisors and managers so they understand their obligations for providing reasonable accommodations.

VI. Questions

Address any questions or concerns regarding this Directive to the Deputy Officer for EEO and Diversity Programs, in the Office for Civil Rights and Civil Liberties.



Rafael Borrás
Under Secretary for Management

3/8/13

Date